

subpoena power within executive branch agencies;

(2) a description of applicable subpoena enforcement mechanisms;

(3) a description of any notification provisions and any other provisions relating to safeguarding privacy interests;

(4) a description of the standards governing the issuance of administrative subpoenas; and

(5) recommendations from the Attorney General regarding necessary steps to ensure that administrative subpoena power is used and enforced consistently and fairly by executive branch agencies.

(b) REPORT ON FREQUENCY OF USE OF ADMINISTRATIVE SUBPOENAS.—

(1) IN GENERAL.—The Attorney General and the Secretary of the Treasury shall report in January of each year to the Committees on the Judiciary of the Senate and the House of Representatives on the number of administrative subpoenas issued by them under this section and the identity of the agency or component of the Department of Justice or the Department of the Treasury issuing the subpoena and imposing the charges.

(2) EXPIRATION.—The reporting requirement of this subsection shall terminate in 3 years after the date of enactment of this section.

Mr. HUTCHINSON (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Arkansas?

Mr. SCOTT. Mr. Speaker, reserving the right to object, I would ask the gentleman to explain the purpose of his request and the amendments that are being proposed.

Mr. HUTCHINSON. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Arkansas.

Mr. HUTCHINSON. Mr. Speaker, H.R. 3048, the Presidential Threat Protection Act of 2000 passed the House by voice vote on June 26 of this year.

The bill was introduced by the chairman of the Subcommittee on Crime, the gentleman from Florida (Mr. MCCOLLUM), to clarify the authority of the Secret Service to protect the President, former Presidents and their families, and candidates for the Office of President and Vice President and their families.

When this bill was considered in the other body, provisions were added that would have authorized the Attorney General to issue administrative subpoenas, principally through the U.S. Marshal Service in connection with investigations of fugitives from justice.

These provisions have caused considerable concern in the House, and in response to those concerns the unanimous consent request that I am making today will strike all of the provisions dealing with the administrative subpoenas in fugitive cases.

The unanimous request retains a provision from the Senate amendment to the underlying bill that requires the Attorney General to establish and fund fugitive apprehension task forces which are comprised of Federal, State, and local law enforcement agencies who work together to catch Federal and State fugitives.

Mr. Speaker, task forces such as these, led by the FBI with respect to violent crimes generally and led by the Marshals Service in fugitive cases, have proven effective over the years and should be continued.

The Attorney General retains the discretion as to where these task forces should be located; however, we believe that fugitive task forces created under this provision should not be located in places where they might overlap with existing FBI violent crime task forces.

Finally, Mr. Speaker, the unanimous consent requests that I am making today retain two minor amendments to the underlying Secret Service bill requested by the Senate.

Mr. Speaker, as I have said, this bill first passed the House by voice vote. The provisions added by the Senate that have caused concern here in the House will be deleted by my request. It is vitally important to the protective operation of the Secret Service that the remaining portions of this bill, the provisions that have passed without opposition, be enacted into law.

Mr. SCOTT. Mr. Speaker, based on the explanation, particularly in light of the disagreement to Senate amendments numbered 2 and 4, and the other amendments I do agree with, I support their concurrence.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Arkansas?

There was no objection.

A motion to reconsider was laid on the table.

#### DAIRY MARKET ENHANCEMENT ACT OF 2000

Mr. SIMPSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2773) to amend the Agricultural Marketing Act of 1946 to enhance dairy markets through dairy product mandatory reporting, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2773

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Dairy Market Enhancement Act of 2000".

#### SEC. 2. DAIRY PRODUCT MANDATORY REPORTING.

The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:

##### "Subtitle C—Dairy Product Mandatory Reporting

#### "SEC. 271. PURPOSE.

"The purpose of this subtitle is to establish a program of information regarding the marketing of dairy products that—

"(1) provides information that can be readily understood by producers and other market participants, including information with respect to prices, quantities sold, and inventories of dairy products;

"(2) improves the price and supply reporting services of the Department of Agriculture; and

"(3) encourages competition in the marketplace for dairy products.

#### "SEC. 272. DEFINITIONS.

"In this subtitle:

"(1) DAIRY PRODUCTS.—The term 'dairy products' means manufactured dairy products that are used by the Secretary to establish minimum prices for Class III and Class IV milk under a Federal milk marketing order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

"(2) MANUFACTURER.—The term 'manufacturer' means any person engaged in the business of buying milk in commerce for the purpose of manufacturing dairy products.

"(3) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

#### "SEC. 273. MANDATORY REPORTING FOR DAIRY PRODUCTS.

"(a) ESTABLISHMENT.—The Secretary shall establish a program of mandatory dairy product information reporting that will—

"(1) provide timely, accurate, and reliable market information;

"(2) facilitate more informed marketing decisions; and

"(3) promote competition in the dairy product manufacturing industry.

"(b) REQUIREMENTS.—

"(1) IN GENERAL.—In establishing the program, the Secretary shall only—

"(A)(i) subject to the conditions described in paragraph (2), require each manufacturer to report to the Secretary information concerning the price, quantity, and moisture content of dairy products sold by the manufacturer; and

"(ii) modify the format used to provide the information on the day before the date of enactment of this subtitle to ensure that the information can be readily understood by market participants; and

"(B) require each manufacturer and other person storing dairy products to report to the Secretary, at a periodic interval determined by the Secretary, information on the quantity of dairy products stored.

"(2) CONDITIONS.—The conditions referred to in paragraph (1)(A)(i) are that—

"(A) the information referred to in paragraph (1)(A)(i) is required only with respect to those package sizes actually used to establish minimum prices for Class III or Class IV milk under a Federal milk marketing order;

"(B) the information referred to in paragraph (1)(A)(i) is required only to the extent that the information is actually used to establish minimum prices for Class III or Class

IV milk under a Federal milk marketing order;

“(C) the frequency of the required reporting under paragraph (1)(A)(i) does not exceed the frequency used to establish minimum prices for Class III or Class IV milk under a Federal milk marketing order; and

“(D) the Secretary may exempt from all reporting requirements any manufacturer that processes and markets less than 1,000,000 pounds of dairy products per year.

“(c) ADMINISTRATION.—

“(1) IN GENERAL.—The Secretary shall promulgate such regulations as are necessary to ensure compliance with, and otherwise carry out, this subtitle.

“(2) CONFIDENTIALITY.—

“(A) IN GENERAL.—Except as otherwise directed by the Secretary or the Attorney General for enforcement purposes, no officer, employee, or agent of the United States shall make available to the public information, statistics, or documents obtained from or submitted by any person under this subtitle other than in a manner that ensures that confidentiality is preserved regarding the identity of persons, including parties to a contract, and proprietary business information.

“(B) RELATION TO OTHER REQUIREMENTS.—Notwithstanding any other provision of law, no facts or information obtained under this subtitle shall be disclosed in accordance with section 552 of title 5, United States Code.

“(3) VERIFICATION.—The Secretary shall take such actions as the Secretary considers necessary to verify the accuracy of the information submitted or reported under this subtitle.

“(4) ENFORCEMENT.—

“(A) UNLAWFUL ACT.—It shall be unlawful and a violation of this subtitle for any person subject to this subtitle to willfully fail or refuse to provide, or delay the timely reporting of, accurate information to the Secretary in accordance with this subtitle.

“(B) ORDER.—After providing notice and an opportunity for a hearing to affected persons, the Secretary may issue an order against any person to cease and desist from continuing any violation of this subtitle.

“(C) APPEAL.—

“(i) IN GENERAL.—The order of the Secretary under subparagraph (B) shall be final and conclusive unless an affected person files an appeal of the order of the Secretary in United States district court not later than 30 days after the date of the issuance of the order.

“(ii) FINDINGS.—A finding of the Secretary under this paragraph shall be set aside only if the finding is found to be unsupported by substantial evidence.

“(D) NONCOMPLIANCE WITH ORDER.—

“(i) IN GENERAL.—If a person subject to this subtitle fails to obey an order issued under this paragraph after the order has become final and unappealable, or after the appropriate United States district court has entered a final judgment in favor of the Secretary, the United States may apply to the appropriate United States district court for enforcement of the order.

“(ii) ENFORCEMENT.—If the court determines that the order was lawfully made and duly served and that the person violated the order, the court shall enforce the order.

“(iii) CIVIL PENALTY.—If the court finds that the person violated the order, the person shall be subject to a civil penalty of not more than \$10,000 for each offense.

“(5) FEES.—The Secretary shall not charge or assess a user fee, transaction fee, service charge, assessment, reimbursement fee, or any other fee under this subtitle for—

“(A) the submission or reporting of information;

“(B) the receipt or availability of, or access to, published reports or information; or

“(C) any other activity required under this subtitle.

“(6) RECORDKEEPING.—Each person required to report information to the Secretary under this subtitle shall maintain, and make available to the Secretary, on request, original contracts, agreements, receipts, and other records associated with the sale or storage of any dairy products during the 2-year period beginning on the date of the creation of the records.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.”.

Mr. KIND. Mr. Speaker, I rise tonight to share my strong support for S. 2773—the Dairy Marketing Enhancement Act of 2000. To our nation's dairy farmers this legislation is commonly referred to as the mandatory price reporting bill. This legislation was passed by the Senate earlier today. Identical legislation, H.R. 5495, was introduced by myself, Congressman SIMPSON and others. This legislation is urgently needed to restore producer confidence in the dairy market following recent cheese and butter price/inventory reporting fiascoes that sent markets plunging.

As my colleagues who represent dairy farmers know, recent reporting errors in cheese and butter stocks have highlighted the need to make reporting of storable dairy products mandatory, verifiable and enforceable. A Chicago Mercantile Exchange warehouse reporting error resulted in a sizable inventory adjustment and caused a 10 cent drop in the double a butter price.

This latest inventory reporting error came less than a year after a similar error with the U.S. Department of Agriculture cheese inventory. Following that reporting error cheese prices dropped within a week to their lowest levels in almost a decade. These events have caused a great deal of concern among our nation's dairy producers.

Under current law, manufacturers of dairy products voluntarily provide the USDA with the amount and price of dairy commodities (cheese and butter) that the manufacturer has sold during a given month.

This information is then used by the USDA to establish the minimum monthly prices under the federal milk marketing order system. This legislation will foster a more accurate price and inventory reporting system for dairy products and enable farmers to base business decisions on the most accurate information.

By requiring mandatory reporting, dairy producers will be given more accurate, complete and timely market information. This information will lead to a better price discovery for all dairy products and allow producers and other market participants to make fully informed business decisions with respect to the marketing of raw milk.

Mr. Speaker, since the beginning of the calendar year, dairy farmers have experienced excruciating low milk prices. These inhospitable market conditions have resulted in the loss of 3-to-4 family dairy farmers in my home state of Wisconsin each day. With the loss of these farmers, the economies of our rural communities are also placed under extreme financial pressure.

While this legislation is no panacea for ailing milk prices, it will go a long way in improving prevailing attitude and restore some much needed optimism.

It is for this reason that I ask all of my colleagues to join me in passing this simple but important piece of legislation.

Mr. STENHOLM. Mr. Speaker, I rise in strong support of S. 2733. The bill represents a consensus among processor and producer groups. It will benefit the entire industry.

Mr. Speaker, under recently reformed Federal milk marketing orders, monthly minimum prices are determined based on market prices for manufactured dairy products, including nonfat dry milk, butter, cheddar cheese, and whey. USDA determines those product prices by surveying manufacturers. The responses are voluntary and USDA has limited authority to verify accuracy.

Mr. Speaker, because the determination of accurate market prices is key to establishing milk orders that are reflective of supply and demand, processors have agreed to subject themselves to the requirements that will result from the passage of this bill. The bill requires that USDA use the current survey format as a starting point for mandating reporting. For many processors, this will mean that little will change with the establishment of the mandatory program.

Mr. Speaker, in order to ensure accuracy, the bill allows the Secretary to require that reporting companies make their records available for Department audit. Any willful and intentional violation of requirements to make accurate and timely reports is punishable by a civil fine of up to \$20,000 under the terms of the bill.

The bill also requires that USDA guard the confidentiality of information from each reporting company.

Mr. Speaker, I urge my colleagues to support S. 2733.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. SIMPSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2773.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

□ 1815

#### SPECIAL ORDERS

The SPEAKER pro tempore (Mr. OSE). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.